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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,327

03/18/2004

Andrew Kozakow

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03/23/2007

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EXAMINER

SPISICH, MARK

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/803,327	Applicant(s) KOZAKOW, ANDREW	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 13-19 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 January 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Piluso (USP 2,346,782). The patent to Piluso discloses a cleaning implement comprising a handle (11) as well as a felt (page 1, column 2, line 12) cleaning material (10) folded on itself and secured about an end of the handle where an end of the handle is disposed immediately adjacent the fold line. Felt is a fibrous material which could be considered to be abrasive to some extent, in particular substantially abrasive.

Recitations as to the intended use of an apparatus, although material in a claim to a method of use, do not serve to distinguish in a claim drawn to an apparatus.

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4. Claims 1,4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ries (USP 2,214,972). The patent to Ries discloses a cleaning implement comprising a handle (1) as well as a cleaning material (3) attached about an end thereof and which includes three folds (4) about straight fold lines (fig 4). The term "abrasive" in itself is a relative term, let alone the broad term substantially abrasive. Although the scrubbing element is not entirely flat, it is substantially flat.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2,3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972) in view of Kleinpell, II et al (USP 5,836,041). The patent to Ries discloses the invention substantially as claimed with the exception of the handle reinforcement. The provision of reinforcing ribs along the length of an implement handle is known in the art (see column 2, lines 13-26 of Kleinpell). It would have been obvious to one of ordinary skill to have modified the device of Ries as such so as to provide a string handle without using too much material. With regard to claim 7, the use of plastic is taught by Kleinpell (column 2, lines 48-50) and the use of plastics is also common because of cost, light weight, etc.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972). The patent to Ries discloses the invention substantially as claimed

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with the exception of the scrubbing element, prior to folding, being round. The choice of various shapes of the cleaning element sheet would be obvious to one of ordinary skill so as to conform to different articles to be cleaned.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972) in view of Beck et al (USP 2,816,313). The patent to Ries discloses the invention substantially as claimed with the exception of the additive. The patent to Beck discloses a device of similar utility and further including a detergent (column 3, lines 22-24). It would have been obvious to one of ordinary skill to have provided such a composition to the device of Ries so that a secondary cleaning composition would not be required.

Response to Arguments

9. Applicant's arguments filed 16 January 2007 have been fully considered but they are not persuasive. With regard to the patent to Piluso, the main argument pertains to the phrase "substantially abrasive texture" (claim 1, line 11). First, the term "abrasive" in itself is merely a relative term. Second, substantially abrasive is even broader. A fibrous felt material (which is what the device of Piluso discloses) could easily be describes as "abrasive" relative to a number of other materials in the cleaning art. The remaining arguments pertain to the patent to Ries. Applicant argues that the scrubbing element of Ries is not substantially flat. Although the element of Ries is not "as flat" as that in the figures of the present application, the term **substantially** flat is broad enough to encompass things that are not in fact flat (as in Ries). With regard to the term

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"continuous", it is felt that applicant is arguing the disclosure of the present invention as opposed to any particular meaning of the term.

Allowable Subject Matter

10. Claims 6,13-19 and 21-23 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Spisich



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

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